

FILED

**COURT OF COMMON PLEAS
CLERMONT COUNTY, OHIO**

2020 SEP -1 AM 11:30

BARBARA A. WIEDENBEIN
CLERK OF COMMON PLEAS COURT
CLERMONT COUNTY, OH

JOHN V. LITTIG
470 Pintail Drive
Loveland, OH 45140
Plaintiff

Case No.

2020 CVC 00726 JUDGE MCBRIDE

COMPLAINT

V s.

SUN COMMUNITIES INC.
2192 E. Ohio Pike #57
Amelia, OH 45102

Defendant

FIRST CLAIM

1. Plaintiff John V. Littig, owns the manufactured home located at 2191 E. Ohio Pike in Amelia, Ohio and rents the lot on which it sits in Apple Creek Park owned by Defendant Sun Communities, Inc.
2. On May 23, 2020, a large dead tree fell on his home and caused injuries and damages.
3. Plaintiff was inside the home and narrowly missed being hit by the tree and injured or killed.
4. Plaintiff suffered severe emotional distress and anxiety.
5. The home was destroyed and Mr. Littig was forced to move out and seek other housing.
6. Plaintiff suffered loss of personal property, lost time from work, moving and storage expenses, lot rent, travel, attorney fees and other expenses.

7. Sun and its park manager, maintenance man and others knew of the dead tree and its dangerous and hazardous condition.
8. Mr. Littig and other residents warned Sun by notifying their agents of the dangerous condition of the tree.
9. Residents have said that the tree was dead and dangerous before Mr. Littig moved in in 2018.
10. Mr. Littig was told that the tree would be removed by Sun but never was.
11. Sun was negligent in not removing the tree before it fell.
12. The failure to remove the tree was reckless, willful and intentional.
13. Defendant Sun should be ordered to pay damages, punitive damages and attorney fees.

SECOND CLAIM

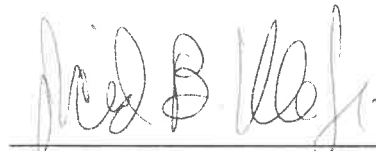
14. Sun had a lease with Mr. Littig and owed a duty of quiet, safe enjoyment of the premises and is obligated to pay Mr. Littig for his damages under the terms of the lease.
15. Under the terms of the lease, rent is to be suspended in the event of casualty loss.
16. Defendant Sun has breached the lease and its duties thereunder.
17. Sun owes Mr. Littig for his casualty losses, the fair market value of the home, personal property damage and his other losses.

THIRD CLAIM

18. Mr. Littig was a resident of Apple Creek Park.
19. Sun provides maintenance, utilities, grounds care, landscaping, security and other services to its residents.
20. Residents of Apple Creek Park rely on and pay Sun for a safe and well maintained lot and park.
21. Apple Creek has a park manager, maintenance staff and other employees and contractors.
22. Sun's employees at Apple Creek knew the tree was dead and dangerous before it fell.
23. They knew that it destroyed Mr. Littig's home.

24. They knew that the fallen tree needed to be removed from Mr. Littig's home.
25. No employee, agent or representative of Apple Creek offered to help Mr. Littig, remove the fallen tree, or pay for his damages.
26. Such failure to act on the part of Sun and its agents is unfair, fraudulent, and unconscionable.
27. Sun's failure to act and honor its duties amounts to intentional fraud and deception, and Sun is liable for damages for fraud and attorney fees.

WHEREFORE, Plaintiff John V. Littig hereby demands that he be granted judgment on all claims in an amount exceeding \$25,000 for damages, punitive damages, interest, costs and attorney fees.



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